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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,359

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Yoshikazu Takamatsu

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EXAMINER

HEWITT, JAMES M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,359	Applicant(s) TAKAMATSU ET AL.	
	Examiner JAMES M. HEWITT	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/8/08, 4/21/08 & 5/27/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15, 27, 29, 30, 32, 34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15, 27, 29, 30, 32, 34 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/790,716.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/8/08, 5/27/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claim 14 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/19/05.

Information Disclosure Statement

The information disclosure statement filed 4/8/08 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Regarding the information disclosure statement filed 5/27/08, the Japanese Office Action has not been considered as it has no publication date as required by 37 CFR 1.98. It is however sufficient as an explanation of relevance for JP 62-18572 and JP 61-32890.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-13, 15, 27, 29-30, 32, 34 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Line 24 of claim 11 recites that the second connecting portion (or the release mouth thereof) is formed on a cylindrical surface *of the second opening*. This is not supported by the original disclosure.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13, 15, 27, 29-30, 32, 34 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 17-18 recite “a brazing material brazed in the concave portion of the second connecting portion...” Lines 23-24 recite “wherein a ring braze is disposed on a release mouth of the concave portion of the second connecting portion”.

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Based on Applicant's disclosure, the brazing material and ring braze are one and the same, and thus the claim is indefinite for claiming the same element twice. See MPEP 2173.05(o).

Claim 11 has been interpreted as if the brazing material comprises a ring braze disposed on a release mouth of the concave portion of the second connecting portion.

In claim 11, lines 23-24, it is unclear as to whether Applicant intends to recite that the release mouth or the second connecting portion is formed on a cylindrical surface.

Claim 13 recites "a release mouth of the concave portion". The claim depends from claim 11, which as amended recites "a release mouth of the concave portion". The claim is therefore indefinite for claiming the same element twice. See MPEP 2173.05(o).

Claim 13 has been interpreted as if line 2 recites "the release mouth" in place of "a release mouth".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 15, 27, 29-30, 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US 5,076,242) in view of Applicant's Admitted Prior Art in view of Martin (US 4,886,305) and further in view of O'Laughlin (US 1,986,010).

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With respect to claim 11, Parker discloses a duplex pipe and a joint for the duplex pipe, the duplex pipe including an outer pipe (38) for passing a first fluid, an inner pipe (34) disposed inside of the outer pipe, the inner pipe for passing a second fluid, the inner pipe extends beyond the outer pipe to expose a portion of the inner pipe, the joint comprising: a main body defining a first passage for passing the first fluid and a second passage for passing the second fluid; a first connecting portion (portion of body adjacent end of outer pipe) at an end of the first passage proximal to the outer pipe and connecting an end of the outer pipe with the first passage; a second connecting portion (portion of body adjacent end of inner pipe) at an end of the second passage proximal to the inner pipe and connecting an end of the inner pipe with the second passage; a first opening (for 54) at an end of the first passage distal from the outer pipe; a second opening (for 48) at an end of the second passage distal from the outer pipe; a stopper (shoulder of body against which outer pipe end abuts) for engaging the end of the outer pipe or the end of the inner pipe with the first connecting portion or the second connecting portion, respectively; and wherein the first opening and the second opening are formed in a side of the main body and are displaced from one another in a longitudinal direction of the duplex pipe; wherein the outer pipe, the inner pipe and the ribs of the duplex pipe are formed as one body. Parker fails to teach a rib connecting the outer and inner pipe. In the first paragraph on page 2 of Applicant's specification, Applicant states that a duplex pipe where the outer pipe, inner pipe and ribs are unitarily formed by at least one of an extruding process and a drawing process is known in the art in order to lower the prime cost of production. Accordingly, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify Parker to unitarily form his outer pipe, inner pipe and ribs by at least one of an extruding process and a drawing process in order to lower the prime cost of production. Parker fails to teach that the second connecting portion defines a concave portion. Martin teaches a similar pipe assembly having connecting portion adjacent the end portions of the inner pipes. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Parker's second connecting portion to define a concave portion as taught by Martin as an alternative design configuration. Parker fails to teach a brazing material brazed in the concave portion of the second connecting portion, the brazing material comprising a ring braze for brazing the end of the inner pipe to the second connecting portion. O'Laughlin teaches a joint wherein a soldering or brazing ring (7) is disposed an interior shoulder of the fitting that acts as a stop for an inserted pipe, the ring acting to secure the end of the inserted pipe upon application of heat. O'Laughlin's ring is disposed against the shoulder and extends onto a cylindrical portion ("release mouth") of the socket (3). In view of O'Laughlin's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a soldering/brazing ring at the stopper portion of Parker (as modified by Martin) as an alternate means to reliably secure the inner pipe (34) to the fitting body.

With respect to claim 12, wherein the concave portion has a tapered cross section. Refer to Martin.

With respect to claim 13, wherein the main body portion is positioned such that a release mouth of the concave portion is turned upward when the end of the inner pipe is brazed to the second connecting portion to temporarily support the brazing material and store the brazing material fused therein.

With respect to claim 15, wherein the main body comprises a first wall defining a blind hole in the first passage; and the first connecting portion is formed at a release end of the blind hole.

With respect to claim 27, wherein the exposed portion of the inner pipe extends through the first passage.

With respect to claim 29, wherein: the concave portion is located outside the inner pipe, and the concave portion opens toward the first passage.

With respect to claim 30, wherein the first opening and the second opening are defined in one and the same side surface of the main body independently from each other.

With respect to claim 32, wherein the main body is block-shaped.

With respect to claim 34, wherein the first opening is orthogonal to the first connecting portion and the second opening is orthogonal to the second connecting portion.

With respect to claim 36, wherein the first passage is parallel to the second passage.

Response to Arguments

Applicant's arguments filed 4/21/08 have been fully considered but they are not persuasive.

Applicant argues "O'Laughlin teaches providing brazing material 7 at an end portion of a pipe 11. However, O'Laughlin does not teach 'a ring braze is disposed on a release mouth of the concave portion of the second connecting portion, which is formed on a cylindrical surface of the second opening'. An exemplary embodiment of this structure is shown in Fig. 17 of the present application. Note that the ring braze 622 is located not at the end of the inner pipe 102, but on a release mouth 623(a) of the concave part 623. O'Laughlin does not teach or even suggest the structure recited in claim 11. Therefore, Applicant respectfully submits that claim 11 is patentable over O'Laughlin and the other Applied references and respectfully requests that this rejection be withdrawn." Examiner disagrees. O'Laughlin does teach a ring braze disposed on a release mouth. Comparing O'Laughlin to Martin, straight shoulder (5) is equivalent to the tapered shoulder in Martin. O'Laughlin's ring braze (7) abuts shoulder (5) and extends onto a cylindrical portion ("release mouth") of the socket (3). Modifying Martin by O'Laughlin would result in a ring braze disposed against the tapered shoulder and extending onto the cylindrical portion ("release mouth") of Martin's socket.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/
Primary Examiner, Art Unit 3679